

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

IN RE:

SCOTT O MCGUIRE
ASHLEY NICOLE MCGUIRE
13 Greenthread St.
Abilene, TX 79606

CASE NO: 17-10180
HEARING DATE: 10/3/2018
HEARING TIME: 11:00 AM

AMENDED TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION

NOW COMES Robert B. Wilson, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification in accordance with Bankruptcy Rule 3007 and General Order 2017-01 and would respectively show unto the Court as follows:

**I.
OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtors. No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

| TT Clm# | Creditor Name | Scheduled Amount | TT Clm# | Creditor Name | Scheduled Amount |
|---------|------------------------|------------------|---------|--------------------------------|------------------|
| 2 | Barclay | \$535.78 | 5 | CREDIT ONE BANK | \$814.70 |
| 10 | IC Systems Collections | \$589.60 | 19 | Sentry Credit | \$10,774.22 |
| 20 | SUDDENLINK | \$196.83 | 21 | Target | \$299.66 |
| 25 | Vivint | \$1,813.01 | 43 | ARMY & AIR FORCE EXCHANGE SER' | \$0.00 |

**II.
SPECIFIC OBJECTIONS**

None

**III.
TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

| TT Claim# | Creditor | Collateral / Description | Claimed Amt | Value | Mo Pmt | % |
|--------------------------|---|------------------------------------|--------------|--------------|---------|-------------|
| SECURED CREDITORS | | | | | | |
| 13 | ARMY & AIR FORCE EXCHANGE SERVICES <i>SEE MODIFICATION BELOW</i> | MILITARY STAR - PURCHASES-PMSI HHG | \$649.25 | \$649.25 | \$29.00 | Pending |
| 14 | NATIONSTAR MORTGAGE LLC | 2805 SOUTHFORK DR. CABOT, AR | \$175,382.37 | \$155,400.00 | \$0.00 | Surrendered |
| 15 | NISSAN MOTOR ACCEPTANCE CORP | 2012 NISSAN ALTIMA | \$12,553.55 | \$12,000.00 | \$0.00 | Paid Direct |
| 18 | Santander Consumer USA | 2007 MAZDA CX9 | \$0.00 | \$5,375.76 | \$0.00 | Stay Lifted |
| 32 | PERITUS PORTFOLIO SERVICES II | 2007 MAZDA CX9 | \$13,431.89 | \$6,000.00 | \$0.00 | Stay Lifted |

| TT Claim# | Creditor | Collateral / Description | Claimed Amt | Value | Mo Pmt | % |
|----------------------------|-----------------------------------|-------------------------------------|-------------|--------|--------|---|
| UNSECURED CREDITORS | | | | | | |
| 3 | PORTFOLIO RECOVERY ASSOCIATES LLC | PURCHASES/CAPITAL ONE BANK (USA) NA | \$1,226.84 | \$0.00 | | |

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| TT Claim# | Creditor | Collateral / Description | Claimed Amt |
|----------------------------|--|-------------------------------------|--------------------|
| UNSECURED CREDITORS | | | |
| 4 | PRA RECEIVABLES MANAGEMENT | PURCHASES/CAPITAL ONE BANK | \$1,094.77 \$0.00 |
| 7 | CREDIT FIRST NA | PURCHASES/FIRESTONE | \$910.00 \$0.00 |
| 9 | ECMC | STUDENT LOAN | \$19,554.07 \$0.00 |
| 11 | CAPITAL ONE NA | PURCHASES - KOHLS | \$558.25 \$0.00 |
| 22 | USAA SAVINGS BANK C/O WEINSTEIN & RILEY PS | PURCHASES | \$898.66 \$0.00 |
| 33 | PORTFOLIO RECOVERY ASSOCIATES LLC | PURCHASES/CAPITAL ONE BANK (USA) NA | \$589.99 \$0.00 |
| 40 | TD BANK USA NA | PURCHASES | \$581.01 \$0.00 |

If the Trustee's recommendation concerning any claim differs from the amount indicated in a Creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtors that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtors' Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected Creditor in the absence of a Letter Agreement between the Debtors and the affected Creditor.

IV. TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2017-01 Section 8, the Trustee requests the following Modification of Debtors' Confirmed Plan, subject to feasibility herein:

Pursuant to General Order 2017-01(15)(c)(1), the plan payment and the plan base may be subsequently adjusted due to changes in the conduit mortgage payments as applicable.

Army & Air Force Exchange Services secured claim#13 \$8,036.62 shall have a value of \$649.25 and a monthly payment of \$29.00 beginning 6/2018 in order to pay claim within the remaining term of the plan.

Pursuant to the Agreed Order Concerning Santander's Motion for Relief from Automatic Stay, document #27, the automatic stay has been terminated and lifted regarding the Debtors' 2007 Mazda CX-9.

NOTICE OF HEARING AND PRE-HEARING CONFERENCE

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 10/3/2018 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 2201, 3RD AND PINE STREET, ABILENE, TX 79604

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT US COURTHOUSE ROOM 2201, 3RD AND PINE STREET, ABILENE, TX 79604 ON 10/3/2018 at 8:30 AM.

ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PREHEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL AFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2017-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION was served on the following parties electronically or at the addresses listed below by U.S. First Class mail.

ARMY & AIR FORCE EXCHANGE SERVICES, ATTN; GC-G, 3911 S WALTON WALKER BLVD, DALLAS, TX 75236
ARMY & AIR FORCE EXCHANGE SERVICES, C/O BASS & ASSOCIATES, 3936 E FT LOWELL ROAD SUITE 200, TUCSON, AZ 85712
ASHTON R ANDERSON, ANDERSON LAW, 1053 S. 3RD ST, ABILENE, TX 79602
Barclay, PO Box 60517, City of Industry, CA 91716-0599
CAPITAL ONE NA, BECKET AND LEE, LLP, PO BOX 3001, MALVERN, PA 19355-0701
CREDIT FIRST NA, PO BOX 818011, CLEVELAND, OH 44181
CREDIT ONE BANK, PO BOX 98872, LAS VEGAS, NV 89193
ECMC, LOCKBOX 8682, PO BOX 16478, ST PAUL, MN 55116-0478
ECMC, PO BOX 16408, SAINT PAUL, MN 55116-0408
FBCS Inc, 330 S Warminster Rd. Suite 353, Hatboro, PA 19040
Focus Receivables Management, 1130 Northchase Pkwy, Ste 150, Marietta, GA 30067
IC Systems Collections, PO Box 64378, Saint Paul, MN 55164-0378
INTERNAL REVENUE SERVICE, PO BOX 7317, PHILADELPHIA, PA 19101-7317
INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA, PA 19101-7346
Midland Credit Management, P OBox 60578, Los Angeles, CA 90060-0578
NATIONSTAR MORTGAGE LLC, PO BOX 619094, DALLAS, TX 75261-9741
NISSAN MOTOR ACCEPTANCE CORP, PO BOX 660366, DALLAS, TX 75266-0366
PERITUS PORTFOLIO SERVICES II, WOLLEMI ACQUISITIONS, PO BOX 141419, IRVING, TX 75014-1419
PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 12914, NORFOLK, VA 23541
PORTFOLIO RECOVERY, ATTN: BANKRUPTCY, PO BOX 41067, NORFOLK, VA 23541
PRA RECEIVABLES MANAGEMENT, PORTFOLIO RECOVERY ASSOC, PO BOX 12914, NORFOLK, VA 23541
Robinson, Reagan, & Young, PLLC, 446 James Robertson Pkwy, Suite 200, NASHVILLE, TN 37219-1533
Santander Consumer USA, PO Box 961246, Fort Worth, TX 76161
SCOTT O MCGUIRE, ASHLEY NICOLE MCGUIRE, 13 Greenthread St., Abilene, TX 79606
Sentry Credit, PO Box 12070, Everett, WA 98206-2070
SHAPIRO SCHWARTZ LLP, 13105 NORTHWEST FREEWAY, SUITE 1200, HOUSTON, TX 77040
SUDDENLINK, PO BOX 660365, DALLAS, TX 75266-0365
Target, PO Box 673, Minneapolis, MN 55440
TD BANK USA NA, C/O WEINSTEIN & RILEY PS, 2001 WESTERN AVE SUITE 400, SEATTLE, WA 98121
TD BANK USA NA, C/O WEINSTEIN & RILEY PS, PO BOX 3978, SEATTLE, WA 98124
UNITED STATES ATTORNEY, 801 CHERRY STREET UNIT 4, FT WORTH, TX 76102-6882
US ATTORNEY GENERAL, MAIN JUSTICE BLDG, ROOM 5111, 10TH ST & CONSTITUTION AVE, WASHINGTON, DC 20530
USAA SAVINGS BANK C/O WEINSTEIN & RILEY PS, PO BOX 3978, SEATTLE, WA 98124-3978
USAA SAVINGS BANK, % WEINSTEIN & RILEY PS, 2001 WESTERN AVENUE, SUITE 400, SEATTLE, WA 98121
Victoria Secret, PO Box 659728, San Antonio, TX 78265-9728
Vivint, 62992 Collection Drive, Chicago, IL 60693-0629
WILLIAM T NEARY, UNITED STATES TRUSTEE, 1100 COMMERCE STREET RM 976, DALLAS, TX 75242

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/s/ Robert B. Wilson

Robert B. Wilson, Chapter 13 Trustee